

Richard A. Harpootlian, *pro hac vice*  
*rah@harpootlianlaw.com*  
Phillip Barber, *pro hac vice*  
*pdb@harpootlianlaw.com*  
**RICHARD A. HARPOOTLIAN, PA**  
1410 Laurel Street  
Columbia, South Carolina 29201  
Telephone: (803) 252-4848  
Facsimile: (803) 252-4810

BRYAN M. SULLIVAN (SBN 209743)  
*bsullivan@earlysullivan.com*  
EARLY SULLIVAN (SBN 205128)

ZACHARY C. HANSEN (SBN 325128)

*zhansen@earlysullivan.com*  
EARLY SULLIVAN WRIGHT GIZER & McRAE LLP  
6420 Wilshire Boulevard, 17th Fl.  
Los Angeles, California 90048  
Telephone: (323) 301-4660  
Facsimile: (323) 301-4676

**Attorneys for PLAINTIFF  
ROBERT HUNTER BIDEN**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

ROBERT HUNTER BIDEN, an individual,

**Plaintiff,**

vs.

PATRICK M. BYRNE, an individual,

**Defendant.**

Case No. 2:23-cv-09430-SVW-PD

*Hon. Stephen V. Wilson*

**PLAINTIFF ROBERT HUNTER  
BIDEN'S MOTION IN *LIMINE* NO.  
1 TO EXCLUDE REPUTATIONAL  
EVIDENCE; DECLARATION OF  
ZACHARY C. HANSEN**

*[Proposed] Order filed and served concurrently herewith]*

Date: July 21, 2025

Time: 3:00 p.m.

Ctrm.: 10A

Complaint Filed: November 8, 2023  
Trial Date: July 29, 2025

1           **TO ALL INTERESTED PARTIES AND THEIR RESPECTIVE**  
2           **ATTORNEYS OF RECORD:**

3           **PLEASE TAKE NOTICE** that on July 21, 2025 at 3:00 P.M., or as soon  
4 thereafter as the matter may be heard in Courtroom 10A of the above-entitled Court,  
5 located at 350 W. 1st Street, Los Angeles, California 90012, Plaintiff Robert Hunter  
6 Biden (“Plaintiff”), by and through his attorneys of record, hereby moves this Court in  
7 *limine* for an order precluding Defendant Patrick M. Byrne (“Defendant”), his attorneys,  
8 and witnesses from referring to, testifying about, or otherwise offering any evidence or  
9 argument at trial referring or relating to Plaintiff’s reputation, including, but not limited  
10 to evidence regarding past events, conduct, and/or bad acts which may pertain to  
11 Plaintiff’s reputation in any way from any source, except for those matters the Court  
12 previously ruled are relevant in its Order dated March 18, 2025 (ECF No. 212).

13           This motion is made pursuant to Federal Rules of Evidence Rule 401 and 403,  
14 and the inherent powers of the Court, on the grounds that such evidence relates to  
15 matters that are not in controversy in this action, and is irrelevant, immaterial, and  
16 inadmissible, and the introduction of such evidence or argument would be more  
17 prejudicial than probative.

18           Pursuant to L.R. 7-3, Plaintiff’s counsel met and conferred with Defendant’s  
19 counsel prior to the filing of this Motion. As of the time of filing, Defendant’s counsel  
20 has not indicated whether they intend to oppose this Motion. (*See* Declaration of  
21 Zachary C. Hansen, ¶2, Ex. A.)

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1       This application is based upon the accompanying Memorandum of Points and  
2 Authorities, the declaration of Zachary C. Hansen, as well as the pleadings and other  
3 documents on file with the Court, oral argument at the time of the hearing, and upon  
4 such further matters that the Court may consider in ruling on this Motion.

5  
6 Dated: June 23, 2025

EARLY SULLIVAN WRIGHT  
GIZER & MCRAE LLP

7  
8 By: /s/ Zachary C. Hansen

9  
10 BRYAN M. SULLIVAN (State Bar No.  
11 209743)  
12 bsullivan@earlysullivan.com  
13 ZACHARY C. HANSEN (State Bar No.  
14 325128)  
15 zhansen@earlysullivan.com  
EARLY SULLIVAN WRIGHT GIZER  
& McRAE LLP  
6420 Wilshire Boulevard, 17th Fl.  
Los Angeles, California 90048  
Telephone: (323) 301-4660  
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19 RICHARD A. HARPOOTLIAN, PA  
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21 *Attorneys for Plaintiff*  
22 *Robert Hunter Biden*

1                   MEMORANDUM OF POINTS AND AUTHORITIES

2                   Plaintiff Robert Hunter Biden (“Plaintiff”) is not claiming any reputational  
3 damage in this lawsuit, nor will he seek any special damages as a result thereof.  
4 Accordingly, Plaintiff will not be introducing any evidence of reputational harm or  
5 emotional distress caused by Defendant Patrick M. Byrne’s (“Defendant”) defamatory  
6 statements which form the basis of this lawsuit. Rather, Plaintiff’s theory of liability  
7 shall be based on evidence demonstrating Defendant’s defamatory statements were  
8 made with actual malice and constitute defamation *per se*, thereby entitling Plaintiff to  
9 nominal damages without being required to prove special damages, specifically  
10 reputational harm or emotional distress damages. *See Barnes-Hind, Inc. v. Superior*  
11 *Court*, 181 Cal.App.3d 377, 382 (1986) (When a plaintiff can plead and prove  
12 defamation *per se* “it need not prove special damages: ‘[D]amage to plaintiff’s  
13 reputation is conclusively presumed and he need not introduce evidence of actual  
14 damages in order to obtain or sustain an award of damages’ including, in an appropriate  
15 case, punitive damages” (quoting *Contento v. Mitchell*, 28 Cal.App.3d 356, 358 (1972).)

16                   Plaintiff contends Defendant’s statements at issue in this action constitute  
17 defamation *per se*, which is a legal question for the Court. *See Piping Rock Partners,*  
18 *Inc. v. David Lerner Assocs., Inc.*, 946 F.Supp.2d 957, 970 (N.D. Cal. 2013); *see also*  
19 *Line One Labs., Inc. v. Wingpow Int’l. Ltd.*, 22-cv-02401, 2025 WL 1114018, at \*4  
20 (C.D. Cal. Feb. 28, 2025). As a result, Plaintiff is not required to prove damages because  
21 damages are not an element of the tort of defamation *per se* (*Barnes-Hind, supra*, 181  
22 Cal.App.3d at 382; *Contento, supra*, 28 Cal.App.3d at 358) and Plaintiff is not going to  
23 present proof of such damages. Instead, Plaintiff will seek nominal damages on his  
24 proposed verdict form to be used at trial. Plaintiff is not seeking to exclude the type of  
25 evidence the Court has previously ruled may be probative of actual malice, as set forth  
26 in the Court’s March 18, 2025, Order (ECF No. 212)—whether “Plaintiff had a strong  
27 reputation for engaging in corruption with foreign entities.” Accordingly, to the extent  
28 certain reputational evidence is probative of the factual questions for the jury, which

1 include whether Defendant made the statements, whether the statements were true, and  
2 whether Defendant believed them to be true (i.e., they were published with actual  
3 malice), Plaintiff concedes that certain reputational evidence regarding events prior to  
4 the date of publication (June 23, 2023) will be relevant for those limited purposes.

5 Accordingly, Plaintiff hereby seeks an order in *limine* precluding Defendant, his  
6 attorneys, and witnesses from referring to, testifying about, or otherwise offering any  
7 evidence or argument at trial referring or relating to Plaintiff's reputation, including,  
8 but not limited to evidence regarding past events, conduct, and/or bad acts which may  
9 pertain to Plaintiff's reputation in any way, from any source, except for those matters  
10 which the Court had previously ruled are relevant for limited purposes (see ECF No.  
11 212, at p. 3-4 ("news articles or media clips")), because such evidence relates to matters  
12 that are not in controversy in this action, and is irrelevant, immaterial, inadmissible, and  
13 highly prejudicial. Further, Plaintiff seeks a temporal limitation on the use of any  
14 evidence the Court has previously ruled as potentially probative, thereby limiting such  
15 evidence to only that which was in existence at the time of the publication of the  
16 defamatory statements on June 23, 2023. No reputational evidence of any kind after  
17 June 23, 2023, should be admissible. Federal Rule of Evidence Rule 401 defines  
18 relevant evidence as evidence that "has any tendency to make a fact more or less  
19 probable than it would be without the evidence [and] the fact is of consequence in  
20 determining the action." Because Plaintiff will not offer proof of reputational harm or  
21 emotional distress damages, evidence and/or argument of any kind regarding Plaintiff's  
22 reputation, beyond the narrow issue identified in the Court's March 18, 2025, Order, is  
23 not relevant to any issue in this case and would be of zero consequence in determining  
24 this action. Accordingly, the only purpose Defendant would have to introduce such  
25 evidence and/or testimony would be to inflame and confuse the jury as to the material  
26 issues and prejudice Plaintiff, all while wasting the Court's valuable time and resources.

27 Additionally, to the extent the Court finds any reputational evidence relevant,  
28 beyond the issue identified in the Court's March 18, 2025, Order (it should not), Federal

1 Rule of Evidence 403 provides that the “court may exclude relevant evidence if its  
2 probative value is substantially outweighed by a danger of one or more of the following:  
3 unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time,  
4 or needlessly presenting cumulative evidence.” The District Court has wide discretion  
5 to exclude evidence under this rule. *See United States v. Abel*, 469 U.S., 45, 54, 105  
6 S.Ct. 465 (1984); *see also Acosta v. City of Costa Mesa*, 718 F.3d 800, 827 (9th Cir.  
7 2013). In evaluating whether to exclude relevant evidence, the Court balances the  
8 possibility of harm, specifically, the risk of undue prejudice, confusing the issues,  
9 misleading the jury, undue delay, and/or wasting time, against any probative value such  
10 evidence may have. *Id.* The purpose of this rule is to ensure fairness and efficiency at  
11 trial. Here, because Plaintiff will not be introducing any reputational evidence in his  
12 case in chief, any reputational evidence—other than evidence of “engaging in  
13 corruption with foreign entities” prior to June 23, 2023—has zero probative value and  
14 instead presents a significant risk of causing undue prejudice to Plaintiff, confusing and  
15 misleading the jury as to the material issues, wasting the Court’s valuable resources,  
16 and causing undue delay. The balance of these factors weighs in favor of exclusion.

17 Moreover, as evidenced by the content and tone of Defendant’s counsel’s  
18 questioning of Plaintiff during his deposition, which focused almost entirely on widely  
19 publicized allegations of past bad (and irrelevant) conduct on behalf of Plaintiff, it is  
20 clear that Defendant’s counsel will seek to introduce evidence of every bad act Plaintiff  
21 has been accused of in the past, none of which relate to or are relevant to the allegations  
22 in the defamatory statements made by Defendant. Were the Court to allow Defendant,  
23 his attorneys, and/or witnesses to present such reputational evidence, not only will the  
24 jury be confused as to what the material issues are for the purposes of determining  
25 liability, but Plaintiff will be on the stand subject to cross-examination for a needlessly  
26 excessive amount of time without any resulting probative value. The fact that Plaintiff  
27 is the son of the former President of the United States, Joe Biden, and is a widely known  
28 public figure, the prejudicial effect of such irrelevant evidence would be exponential.

1 An order precluding all such evidence would also serve to remove the risk of turning  
2 this trial into a circus and a spectacle.

3 Accordingly, Plaintiff respectfully requests that the Court grant this motion in its  
4 entirety and preclude Defendant, his attorneys, and witnesses from referring to,  
5 testifying about, or otherwise offering any evidence or argument at trial referring or  
6 relating to Plaintiff's reputation, including, but not limited to evidence regarding past  
7 events, conduct, and/or bad acts which may pertain to Plaintiff's reputation in any way  
8 from any source, except for those matters which the Court had previously ruled are  
9 relevant for limited purposes (*see* ECF No. 212), with a temporal limitation to pre-June  
10 23, 2023 events.

11 Dated: June 23, 2025

EARLY SULLIVAN WRIGHT  
GIZER & MCRAE LLP

14 By: /s/ Zachary C. Hansen

15 BRYAN M. SULLIVAN (State Bar No.  
209743)  
bsullivan@earlysullivan.com  
16 ZACHARY C. HANSEN (State Bar No.  
325128)  
zhansen@earlysullivan.com  
17 EARLY SULLIVAN WRIGHT GIZER  
& MCRAE LLP  
18 6420 Wilshire Boulevard, 17th Fl.  
Los Angeles, California 90048  
19 Telephone: (323) 301-4660  
Facsimile: (323) 301-4676

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rah@harpoortianlaw.com  
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pdb@harpoortianlaw.com  
RICHARD A. HARPOOTLIAN, PA  
1410 Laurel Street  
22 Columbia, South Carolina 29201  
Telephone: (803) 252-4848  
Facsimile: (803) 252-4810

23 Attorneys for Plaintiff  
24 Robert Hunter Biden

# **DECLARATION OF ZACHARY C. HANSEN**

I, Zachary C. Hansen, declare and state as follows:

3       1. I am an Attorney within the law firm of Early Sullivan Wright Gizer &  
4 McRae LLP, attorneys of record for Plaintiff Robert Hunter Biden (“Plaintiff”) herein.  
5 I submit this declaration in support of Plaintiff’s Motion in *Limine* No. 1 seeking an  
6 order precluding Defendant Patrick M. Byrne (“Defendant”), his attorneys, and  
7 witnesses from referring to, testifying about, or otherwise offering any evidence or  
8 argument at trial referring or relating to Plaintiff’s reputation, including, but not limited  
9 to evidence regarding past events, conduct, and/or bad acts which may pertain to  
10 Plaintiff’s reputation in any way from any source, except for those matters the Court  
11 previously ruled are relevant in its Order dated March 18, 2025 (ECF No. 212). If called  
12 as a witness, I would and could testify to the matters contained herein.

13       2. Pursuant to L.R. 7-3, I sent Defendant's an email on June 23, 2025 to meet  
14 and confer regarding Plaintiff's intent to file Motion in *Limine* No. 1, which also set  
15 forth the basis of the Motion. As of the time of filing, Defendant's counsel has not  
16 indicated whether they will oppose the Motion. A true and correct copy of the meet and  
17 confer email is attached hereto as **Exhibit "A"**.

18 I declare under penalty of perjury under the laws of the United States of America  
19 that the foregoing is true and correct. Executed on this 23<sup>rd</sup> day of June, 2025, at  
20 Summit, New Jersey.

/s/ Zachary C. Hansen

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Zachary C. Hansen